Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 5,371,532). The cited reference Gelman et al., is inapplicable to Applicant's invention. Gelman et al. relates to a digital network architecture referred to as a broadband integrated services digital network (BISDN) which at the time was projected to be the public switched network of the future. As a switched network, the architecture of Gelman et al. is more similar to a telephone network system rather than a cable television network. Whereas in the cable television network, information is provided from a central headend and distributed out from the headend on an information services distribution network of cable trunks and branches. The BISDN of Gelman et al., on the other hand, is a distributed system that has a plurality of information warehouses any of which may be connected through the switched network to any given subscriber. As such, Gelman et al. fails to address providing interactivity over a cable network nor does it address equipment to be invented for use on an interactive cable television network. Rather, Gelman et al. refers to cable television as a commonplace program delivery scheme at column 1, lines 31-33. Gelman et al. refers to its architecture as overcoming the shortcomings of conventional broadcast delivery technologies.

The claim language points out that the home interface controller of Applicant's invention relates to cable television systems, rather than the architecture disclosed by Gelman et al. Indeed, the preamble specifically refers to a "cable television system." Furthermore, the preamble describes the cable television system as including a "headend." The system recited in Claim 1 provides a "plurality of interactive controllers, disposed at the headend." None of these claimed recitations particular to cable television

systems is found in Gelman et al. because it is directed to an entirely different architecture.

The home interface controller of Claim 1 includes a data transceiver "operative over a data communication link to the headend." Information is transferred from a headend through trunks and branches out to the subscribers. This is distinct from the architecture of Gelman et al. in which information stored in an information warehouse is switched through a network to any of the numerous subscribers.

More specifically, Claim 1 requires that the communication link to the headend provides data communication between the data transceiver and an assigned interactive controller. This makes sense in Applicant's invention where the interactive controllers are disposed at the headend. But it is inapplicable to Gelman et al. where the Examiner has treated the central offices as the interactive controllers and where the central offices are not disposed at the headend.

The data communication link to the headend clearly distinguishes Applicant's invention from Gelman et al. This limitation is reemphasized with respect to the selection input where it is stated that the "data link for accessing the assigned one of the interactive controllers" is used by the selection input. Again in Gelman et al. there is no data link to the headend where the interactive controllers are disposed, since there is no headend. For these reasons, Applicant submits that Gelman et al. is inapplicable to the present invention and that Claim 1 is patentably distinguished thereover. Claim 1 and all claims depending therefrom should be allowed.

Referring now specifically to the invention of Claims 3 and 6, the data communication link is operative at a radio frequency independent of any frequency used

for television communication over the network. As Gelman et al. does not describe a cable television network this claim makes little sense when applied to Gelman et al. Moreover, Gelman et al. is a digital network and does not describe a data communications link operative at a particular radio frequency. Claims 3 and 6 should be allowed for this additional reason.

Referring now to Claims 7-10, Applicant notes that Claim 7 recites a home interface controller for use with a "cable television system". Thus Gelman et al. is inapplicable to Claims 7-10 as well. Thus, Gelman et al. is inapplicable to Claims 7-10 and these claims should be allowed.

As for at least Claims 7 and 8, Gelman et al. is not prior art. Claims 7 and 8 claim priority at least as early as parent application Serial No. 754,932 filed September 10, 1991 and issued as US Patent No. 5,220,420. The home interface controller of Claims 7 and 8 finds support in the specification of the parent application with respect to the description of the home interface controller illustrated in at least Fig.8. Thus, priority dates back to at least as early as September 10, 1991 eliminating Gelman et al. as a reference with respect to Claims 7 and 8. For this additional reason, Claims 7 and 8 should be allowed.

Furthermore, with respect to Claim 8, a tuner is recited for tuning to the signal. Of course, the Examiner can see that there is no tuner disclosed by Gelman et al. Gelman et al. is a digital switched network. The use of a tuner would make no sense with respect to Gelman et al. just as Gelman et al. is inapplicable to Applicant's invention. It would not have been obvious to use a tuner in the subscriber equipment of Gelman et al. because Gelman et al. describes a digital switched network and thus provides no

suggestion, disclosure nor teaching of the cable television equipment invented in Claim 8 by Applicant. For this additional reason, Claim 8 should be allowed.

The Examiner should review all of the prior art cited in the parent application. Applicant submits an Information Disclosure Statement with a PTO Form 1449 that is intended to list all of the prior art cited in the earlier case. Reconsideration of the claims in view of all the art is respectfully solicited. For all the reasons stated above, Applicant submits that all claims presently in the application are patentable over the art of record and early notice to that effect is respectfully solicited.

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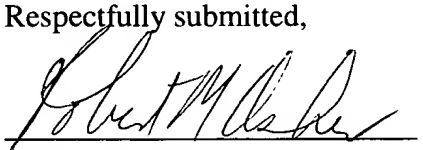
Respectfully submitted,



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